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| COMPLIANCE BOARD OPINION NO. 99-1 |
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January 7, 1999

Ms. Alisa D. Bralove

Ms. Diane M. Dixon

Mr. Eliot J. Scott

The Open Meetings Compliance Board has considered your complaint about the St. Mary's College of Maryland Student Government Association ("SGA"). Specifically, you complain that the SGA Senate violated the Open Meetings Act by closing a portion of its meeting on October 6, 1998.

The only real issue before the Compliance Board is whether the SGA Senate is a "public body" subject to the Open Meetings Act.¹ Although the Act is an important means to a more open governmental process, it has relatively limited scope. It applies only to "meetings" of a "public body," which is a multi-member entity that ordinarily owes its existence to some formal legal enactment and that conducts public business as a group. *See* §10-502(h) of the State Government Article.¹ An entity is not a "public body" by virtue of its receipt of public funds. *See* Compliance Board Opinion 97-3 (April 16, 1997), *reprinted in 1 Official Opinions of the Maryland Open Meetings Compliance Board* 212, 216; Opinion of the Attorney General 96-11 (February 29, 1996) (unpublished). Nor is an entity a "public body" simply because it plays a significant role in public life. Compliance Board Opinion 96-14 (November 26, 1996), *reprinted in 1 Official Opinions of the Maryland Open Meetings Compliance Board* 197, 199-200.² The question that we are required by the Act to ask is this: Is the entity in question governmental or quasi-governmental, as evidenced by the instrument that created it?

¹ The Compliance Board has no jurisdiction to consider your allegation that the Senate's decision to close the meeting violated the SGA's bylaws or was inconsistent with "democratic principles." Whatever the merits of these contentions, the Compliance Board is limited by law to considering only complaints about violations of the Open Meetings Act. §§10-502.4(a) and 10-502.5 of the State Government Article.

² That the Attorney General provides representation for an entity, as his office has for the SGA, is likewise not determinative of "public body" status under the Act. The Compliance Board will not comment on the Attorney General's interpretation of his responsibilities under a completely different statute. *See* §6-106 of the State Government Article.

An entity can be a “public body” if it was created in the bylaws of another public body. §10-502(h)(1)(ii)5. You suggest that the SGA attained “public body” status that way. The bylaws of St. Mary’s College, however, do not create the SGA or the SGA Senate. Rather, they simply recognize the SGA as a “student organization”: “The Dean of Students ... shall receive from all student organizations, including the Student Government Association, proposals concerning [various student organizational matters].” Bylaws, Article Eight, Section Three, Paragraph B.

According to the Preamble to the SGA Constitution, the SGA was established by “the students of St. Mary’s College of Maryland” The SGA Senate was established by Article IV of the SGA Constitution. Because neither entity was created by any of the means identified in the Act’s definition of “public body,” neither the SGA nor the SGA Senate is a “public body” subject to the Act. Therefore, the Act did not prohibit the closing of the SGA Senate’s meeting on October 6, 1998.

OPEN MEETINGS COMPLIANCE BOARD

Walter Sondheim, Jr.
Courtney McKeldin
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